

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Implementation of the Local Competition ) CC Docket No. 96-98  
Provisions of the Telecommunications Act )  
of 1996 )

REPLY

The National Exchange Carrier Association, Inc. (NECA) herein submits its reply to comments regarding the Commission's Further Notice of Proposed Rulemaking (FNPRM) in the above-captioned matter.<sup>1</sup> In the FNPRM, the Commission specifically asks whether requesting carriers may use unbundled transport facilities and unbundled switching purchased from incumbent local exchange carriers (ILECs) to originate or terminate interstate toll traffic to customers to whom the requesting carrier does not provide local exchange service.<sup>2</sup>

The record shows that interexchange carriers (IXCs) should not be permitted to obtain unbundled network elements (UNEs) solely to originate or terminate interstate toll services. Eleven of the fourteen comments filed disapprove of the Commission's proposal to allow IXC use of unbundled network elements (UNEs) solely to originate or terminate interstate toll

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<sup>1</sup> Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers, *Third Order on Reconsideration and Further Notice of Proposed Rulemaking*, FCC 97-295, CC Docket Nos. 96-98 and 95-185 (rel. Aug. 18, 1997).

<sup>2</sup> *Id.* at ¶ 61.

services.<sup>3</sup>

Ameritech states, for example, that the proposal would be completely at odds with the Commission's phased-in approach to access reform and would do nothing to further competition.<sup>4</sup> Similarly, Sprint Corporation states that the Commission's proposal "would short-circuit the transition to cost-based access rates set out in the Commission's Access Charge Reform Order" and "upset the delicate balance the Commission has established in its trilogy of key proceedings implementing the local competition provisions of the Act . . . ."<sup>5</sup>

The only parties to support the proposal, AT&T, CompTel and KMC, ignore the adverse impact that this proposal would have on Commission efforts to implement the 1996 Act, and add no convincing arguments to the record that show why the proposal should be implemented. AT&T and CompTel, for example, focus primarily on a limited interpretation of section 251(c)(3) of the 1996 Act, which the record already shows does not provide a basis for allowing IXC's to evade payment of access charges.<sup>6</sup>

Accordingly, the Commission should confirm its *Local Competition Reconsideration Order*, in which it found that "[a] requesting carrier that purchases an unbundled local switching

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<sup>3</sup> See generally, the comments of Ameritech, Association for Local Telecommunications Services ("ALTS"), Bell Atlantic, BellSouth, GTE, National Exchange Carrier Association ("NECA"), SBC, Sprint, Time Warner, United States Telephone Association ("USTA") and US West.


<sup>4</sup> Ameritech at 2.

<sup>5</sup> Sprint at 2.

<sup>6</sup> See NECA comments at 4-6.

element for an end user may not use [it] to provide interexchange service to end users for whom that requesting carrier does not also provide local exchange service.”<sup>7</sup>

Respectfully Submitted,  
National Exchange Carrier Association, Inc.

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October 17, 1997

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<sup>7</sup> Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, *Order on Reconsideration*, 11 FCC Rcd 13042 (1996) at ¶ 13.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments was served this 17th day of October 1997, by mailing copies thereof by United States Mail, first class postage paid or by hand delivery, to the persons listed below.

By: /s/

  
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